

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MEDIATEK INC.

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.

Defendant.

Civil Action No. 4:11-cv-05341 (YGR)

**[PROPOSED] ORDER REGARDING
DISCOVERY EXCERPTS**

Hon. Yvonne Gonzalez Rogers

Upon consideration of plaintiff MediaTek Inc. (MediaTek) and defendant
Freescale Semiconductor, Inc.'s (Freescale) Revised Joint List of Discovery Excerpts,
this Court rules as follows:

MEDIA TEK'S LIST OF DISCOVERY EXCERPTS

Exhibit 3 – Noam Efrati (June 27, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.136	111:11- 112:11; 112:14-24; 113:2-8		216:13-19; 216:25- 217:12; (214:8-216:8 also counter- designated to support “all four of those potential scenarios”) (counter for 112:16- 24; 113:2-3)	Beyond the scope of designation, not needed for completeness; FRE 403; Leading; Hearsay
P.145	138:11-18; 138:20-139:1; 139:4-7		216:13-19; 216:25- 217:12; (214:8-216:8 also counter- designated to support “all four of those potential scenarios”) (counter for 138:20- 139:1)	Beyond the scope of designation, not needed for completeness; FRE 403; Leading; Hearsay

COURT'S RULINGS:

P.136, P.145	216:13-19	Overruled
P.136, P.145	216:25-217:12	Overruled
P.136, P.145	214:8-216:8	Overruled

Exhibit 6 – David Orris (June 26, 2013)

No.	MediaTek Designations	Freescall Objections	Freescall Counter Designations	MediaTek Objections
P.302	21:17-22:24		30:15; 30:18-19; 30:22-23; 30:25; 31:3-4; 31:8-9; 31:12; 148:15-22	Beyond the scope of designation, not needed for completeness; vague; ambiguous; relevance; prejudice; hearsay
P.308	29:24-30:1; 30:3	Foundation	30:15; 30:18-19; 30:22-23; 30:25; 31:3-4; 31:8-9; 31:12; 148:15-22	Beyond the scope of designation, not needed for completeness; vague; ambiguous; relevance; prejudice; hearsay

COURT'S RULINGS:

P.308	29:24-30:1; 30:3	This objection was not previously made and Page 29 has not been provided to the Court. See Dkt. 517-1. Therefore, it is tentatively denied. MediaTek shall provide evidence of foundation by Wednesday, July 9, 2014 with Page 29.
P.302, P.308	30:15	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.
P.302, P.308	30:18-19	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.
P.302, P.308	30:22-23	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own

No.	MediaTek Designations	Freescall Objections	Freescall Counter Designations	MediaTek Objections
			presentation of evidence.	
P.302, P.308		30:25	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescall separately in its own presentation of evidence.	
P.302, P.308		31:3-4	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescall separately in its own presentation of evidence.	
P.302, P.308		31:8-9	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescall separately in its own presentation of evidence.	
P.302, P.308		31:12	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescall separately in its own presentation of evidence.	
P.302, P.308		148:15-22	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescall separately in its own presentation of evidence.	

Exhibit 8 – Changhae Park (September 30, 2013)

No.	MediaTek Designations	Freescall Objections	Freescall Counter Designations	MediaTek Objections
P.346	62:25-63:13	FRE 401/402; FRE 403	64:15-18; 65:2-66:4; 67:2-11; 67:25-68:4; 68:7-17; 94:7-11;	
P.347	64:10-14	FRE 401/402; FRE 403	64:15-18; 65:2-66:4; 67:2-11; 67:25-68:4; 68:7-17; 94:7-11;	
P.348	77:6-18; 77:21-23; 77:25-78:6	Incomplete hypothetical (objection to 77:15-18; 77:22-23; 78:4-5); FRE 401/402; FRE 403; FRE 701 (objection to 77:15-18; 77:21-23; 77:25-78:6)		

P.351	80:19-21	FRE 401/402; FRE 403		
P.353	87:7-17	FRE 401/402; FRE 403		
P.354	99:3-11	FRE 401/402; FRE 403	99:12-14; 100:19-24; 101:9-15; 101:17-20; 101:23-102:6; 102:17-103:11; 103:18-22 ¹	
P.355	99:15-100:11	FRE 401/402; FRE 403	100:19-24; 101:17-20; 101:23-102:6; 102:17-103:11; 103:18-22	
P.356	111:15-113:6	FRE 401/402; FRE 403	113:7-8	
COURT'S RULINGS:				
P.346	62:25-63:13		Overruled	
P.347	64:10-14		Overruled	
P.348	77:15-18		Overruled on all grounds but reserve on FRE 701 objection.	
P.348	77:21-23		Overruled on all grounds but reserve on FRE 701 objection.	
P.348	77:25-78:6		Overruled on all grounds but reserve on FRE 701 objection.	
P.351	80:19-21		Overruled on all grounds but reserve on FRE 701 objection.	
P.353	87:7-17		Sustained	
P.354	99:3-11		Reserve. The Court requires the referenced Exhibit 6 to be provided to the Court no later than July 9, 2014.	
P.355	99:15-100:11		Reserve. The Court requires the referenced Exhibit 6 to be provided to the Court no later than July 9, 2014.	
P.356	111:15-113:6		Reserve. The Court requires the referenced Exhibit 6 to be provided to the Court no later than July 9, 2014.	

¹ For those counter designations in italic typeface, the parties agree that those counter designations are to be counted against the counter designating party's trial time

Exhibit 9 – Andrew Percy (June 7, 2013)

No.	MediaTek Designations	Freescall Objections	Freescall Counter Designations	MediaTek Objections
P.369	28:22-30:8		28:22-29:4 ; 33:6-8; 35:1-11; 41:9-42:5; 66:9-22	(35:1-11, 41:9-42:5, 66:9-22) Beyond the scope of designation, not needed for completeness; FRE 401/402; FRE 403
P.370	31:11-17		28:22-29:4; 33:6-8; 35:1-11; 41:9-42:5; 47:5-7; 47:9; 47:11-14; 66:9-22	(35:1-11, 41:9-42:5, 47:5-7, 47:9, 47:11-14, 66:9-22) Beyond the scope of designation, not needed for completeness; FRE 401/402; FRE 403
P.372	32:8-13		28:22-29:4; 33:6-8; 35:1-11; 41:9-42:5; 66:9-22	(35:1-11, 41:9-42:5, 66:9-22) Beyond the scope of designation, not needed for completeness; FRE 401/402; FRE 403
P.373	32:18-20; 32:23-33:5		28:22-29:4; 33:6-8 ; 35:1-11; 41:9-42:5; 66:9-22	(35:1-11, 41:9-42:5, 66:9-22) Beyond the scope of designation, not needed for completeness; FRE 401/402; FRE 403
P.382	41:23-42:14		28:22-29:4; 33:6-8; 35:1-11; 41:9-42:5 ; 66:9-22	(33:6-8, 35:1-11, 66:9-22) Beyond the scope of designation, not needed for completeness; FRE 401/402; FRE 403
P.386	52:17-19		28:22-29:4; 33:6-8; 35:1-11; 41:9-42:5; 66:9-22	(33:6-8, 35:1-11, 41:9-42:5, 66:9-22) Beyond the scope of designation, not needed for completeness; FRE 401/402; FRE 403

COURT'S RULINGS:

P.382, P.386	33:6-8		Overruled	
P.369, P.370, P.372, P.373, P.382, P.386	35:1-11		Overruled	
P.369, P.370, P.372, P.373, P.386	41:9-42:5		Overruled	
P.370	47:5-7		Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.	
P.370	47:9		Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.	
P.370	47:11-14		Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.	
P.369, P.370, P.372, P.373, P.386	66:9-22		Sustained	
P.378	37:8-12		58:12-59:7; 59:19-23; 60:10-61:11	Beyond the scope of designation, not needed for completeness; FRE 401/402; FRE 403
P.387	54:22-56:2		58:12-59:7; 59:19-23; 60:10-61:11	Beyond the scope of designation, not needed for completeness; FRE 401/402; FRE 403

COURT'S RULINGS:

P.378, P.387	58:12-59:7	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.
P.378, P.387	59:19-23	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.
P.378, P.387	60:10-61:11	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.

Exhibit 11 – Allen Wagner (June 28, 2013)

No.	MediaTek Designations	Freescale Objections	Freescale Counter Designations	MediaTek Objections
P.471	57:1-58:2		58:3-4; 58:7 (<i>counter for 57:17-58:2</i>)	Relevance; Beyond the scope of designation, not needed for completeness; speculative; FRE 403
P.537	127:6-128:10		149:5-150:2 (<i>counter for 128:5-10</i>)	Beyond the scope of designation, not needed for completeness
P.539	129:16-130:8; 130:10		149:5-150:2 (<i>counter for 129:25-130:8; 130:10</i>)	Beyond the scope of designation, not needed for completeness
P.540	130:11-13; 130:16		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.541	130:17-20; 130:23-24		149:5-150:2	Beyond the scope of designation, not needed for completeness

P.542	130:25-131:2; 131:5		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.543	131:6-7; 131:10-12		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.545	133:10-134:1		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.553	147:5-22; 147:25		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.554	148:1-5		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.562	163:10-164:3 164:6		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.563	164:7-10; 164:13		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.564	164:14-16; 164:19		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.565	164:20-21; 164:24; 165:1-2		149:5-150:2	Beyond the scope of designation, not needed for completeness
P.567	165:3-5; 165:8-9		149:5-150:2	Beyond the scope of designation, not needed for completeness

COURT'S RULINGS:

P.471	58:3-4; 58:7	Overruled
P.537, P.539- 543, P.545, P.553, P.554, P.562- 565, P.567	149:5-150:2	Sustained

Exhibit 12 – Glen Wienecke (June 27, 2013)

No.	MediaTek Designations	Freescall Objections	Freescall Counter Designations	MediaTek Objections
P.659	35:10-18; 35:22-36:25	Scope of Case (<i>objection to</i> 35:16-18; 35:22-24)		
P.665	44:4-14; 44:16-17		46:1-11; 167:18-168:23	(46:1-11) Beyond the scope of designation, not needed for completeness; Speculative; Improper expert opinion; (167:18-168:23) Beyond the scope of designation, not needed for completeness
P.667	44:24-25; 45:2-14		45:15-46:11; 167:18-168:23	(45:15-46:11) Beyond the scope of designation, not needed for completeness; Speculative; Improper expert opinion; (167:18-168:23) Beyond the scope of designation, not needed for completeness

COURT'S RULINGS:

P.659	35:16-18; 35:22-24	Overruled
P.665	46:1-11	Sustained
P.667	45:15-46:11	Sustained as to the objection regarding scope; overruled on all other grounds and therefore can be used by Freescale separately in its own presentation of evidence.
P.665, P.667	167:18-168:23	Overruled

FREESCALE'S LIST OF DISCOVERY EXCERPTS

Exhibit 14 – Kenneth Obuszewski (June 25, 2013)

No.	Freescale Designations	MediaTek Objections	MediaTek Counter Designations	Freescale Objections
D15	42:6-43:1; 43:13-14; 43:21-23	(42:6-43:1) Hearsay (43:13-14; 43:21-23) Hearsay, relevance, unfair prejudice, FRE 106	37:3-10; 37:16-38:13; 39:10-12; 39:21-24; 40:6-41:1; 41:7-9	
D16	65:23-66:6	Hearsay		
D17	67:23-68:22	Hearsay		

COURT'S RULINGS:


D15	42:6-43:1	Overruled
D15	43:13-14	Overruled
D15	43:21-23	Overruled
D16	65:23-66:6	Overruled
D17	67:23-68:22	Overruled

Exhibit 15 – M. H. Shieh (August 1 & 2, 2013)

No.	Freescall Designations	MediaTek Objections	MediaTek Counter Designations	Freescall Objections
D21	19:1-10; 19:22-20:6		(counters for 19:1-10; 19:22-20:6) 43:24-25; 44:6-7; (counter for 19:22-20:6) 20:16-22	FRE 401/402; FRE 403; Order (Dkt. No. 443); Outside the scope (all objections to 43:24-25; 44:6-7)
COURT'S RULINGS:				
D21	43:24-25; 44:6-7		Sustained as to the objection regarding scope; otherwise reserve.	

IT IS SO ORDERED.

Dated: July 7, 2014.


YVONNE GONZALEZ ROGERS
 UNITED STATES DISTRICT COURT JUDGE